Draft: January 4, 2005

1 Rule 9. Default judgment.

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- (a) If defendant fails to appear at the time set for trial, the court may grant plaintiff judgment in an amount not to exceed the amount requested in plaintiff's affidavit.
  - (b) If defendant has filed a counter affidavit and plaintiff fails to appear at the time set for trial, the court may grant defendant judgment in an amount not to exceed the amount requested in defendant's counter affidavit.
- 7 (c) The appearing party shall <u>immediately</u> serve the default judgment on the non-appearing party.
- 9 (d) In an interpleader action, if a defendant fails to appear, a default judgment may be entered against the non-appearing defendant.